

## **GENERAL ORDER 1.6.1**

### **Authorized Weapons and Their Use**

**GENERAL ORDER CROSS-REFERENCE: 1.5.1, 1.4.1**

#### **SUMMARY**

Specifies authorized lethal and non-lethal weapons and their use by department members.

#### **DISCUSSION**

The intent of this policy is to establish department guidelines over the type and use of weapons available to department members.

#### **POLICY**

##### **I**

Department members are authorized to carry and use firearms and non-lethal weapons as permitted by this policy and in accordance with G.O. 1.5.1 (Use of Force).

##### **II**

Officers shall comply with the below listed prerequisites prior to carrying a firearm.

1. The firearm shall be registered with the Department Firearms Committee.
2. The firearm shall periodically be inspected by a Department firearms instructor, or designee, and found to be in good working order and conforming to Department standards.
3. Any supervisor or Firearms Instructor is authorized to inspect any firearm at any time to ensure safety and dependability.
4. The Officer shall fire a qualification score and demonstrate to a Department firearms instructor a satisfactory knowledge of the mechanics and safe operation and handling of the weapon.
5. The officer shall have received copies and instruction in G.O. 1.5.1 (Use of Force).

All sworn Police Officers and members authorized by the Department to carry a weapon to include, handgun, shotgun, patrol rifle and special weapons (e.g. long rifles, tear gas launching devices, and automatic weapons shall attend firearms training in accordance with G.O.. 1.4.1 (Firearms Qualification).

### III

All firearms carried on or off duty shall conform to the specifications contained in this section. Officers may carry a firearm not in conformance with this section if it is approved by their Division Commander.

All primary duty weapons, back-up weapons, and off-duty weapons shall have had 250 rounds of ammunition fired through them prior to being approved for use. This is to ensure functional reliability of each weapon. (Additionally, each weapon will be fired with duty ammunition to confirm the weapon functions properly.)

<u>Make:</u>	Smith & Wesson, Model M&P 40 and M&P 40C
<u>Caliber:</u>	<u>Primary Duty Weapon:</u> Smith & Wesson, Model M&P 40 and M&P 40C <u>Secondary (Back-Up) and Off-Duty Weapons:</u> Any make or caliber approved by the Firearms Committee and the Chief of Police.
<u>Sights:</u>	<u>Primary Duty Weapon:</u> (Trijicon adjustable or approved laser)
<u>Grips:</u>	Factory standard or a type approved by Firearms Committee.
<u>Trigger:</u>	Standard or combat type without trigger shoe and with a minimum 3 pound pull.
<u>Safety:</u>	Semi-automatic pistols carried as the primary duty weapon must have an internal firing pin block. Any exceptions must be approved by the Firearms Committee and the Chief of Police.
<u>Tactical Light:</u>	Factory standard or compatible light and holster approved by the Firearms Committee.

The Department shall issue officers an approved firearm of the Department's selection. Officers issued a Department firearm shall not make any adjustment or alteration unless such alteration is a type authorized by the Firearms Instructors and Chief of Police.

Officers who carry a non-issued firearm off duty are responsible for all maintenance of their firearms. The Department is not responsible for any repairs to non-issue firearms.

Firearms shall be kept clean and in good repair at all times. Whenever a malfunction is discovered, the officer shall not carry the weapon but will immediately report the situation to a supervisor and/or Firearms Instructor who will arrange for a replacement or repair.

## IV

### FIREARMS APPROVAL PROCESS

Members desiring to carry a weapon not currently on the approved firearms list shall submit a written request to the Firearms Committee specifying the weapon.

Department Firearms Instructors shall examine the request to determine if it meets Department firearms and quality standards. The Firearms Instructors shall then prepare and submit a recommendation to the Chief of Police.

Firearms approved by the Firearms Instructors and the Chief of Police shall be listed on the Department Approved Firearms List, maintained by the Firearms Instructors.

## V

Officers shall carry a loaded authorized firearm at all times while on duty. Uniformed officers shall carry a minimum of 30 rounds of issued ammunition. All other officers shall carry a minimum of 15 rounds of issued ammunition. This requirement may be waived by a Command Officer if compliance is not practical or safe in any particular assignment.

## VI

Police officers are authorized by State law to carry a firearm concealed while off-duty. Officers may do so at their discretion. An officer's use of the firearm while off-duty must comply with Department policy.

## VII

Officers desiring to carry more than one firearm on duty shall request such authorization from the Chief of Police. Such requests shall clearly state all pertinent data concerning the firearm. The weapon must be carried concealed upon the officer in a safe manner. The weapon must meet Department standards, and the officer must demonstrate proficiency with that firearm prior to being granted permission to carry it.

## VIII

### AMMUNITION

Department approved ammunition shall be the only ammunition carried by officers. Only Department issued ammunition will be carried in on-duty firearms. Secondary and off-duty weapons of caliber .22, .38, .380, .40, 9 mm, or .45 shall carry Department issued ammunition; other calibers shall carry Department approved ammunition.

Department approved ammunition is that which has been approved by the Chief of

Police. Prior to this approval, all ammunition proposed for use by the Department shall be evaluated by the Department Firearms Instructors to ensure it meets industry standards and Department needs.

In addition to a duty weapon and 3 magazines, officers will be issued a duty holster and magazine carrier. With the exception of the issued magazines, this equipment shall be carried on duty at all times unless specifically authorized by a Division Commander. A minimum of two magazines shall be carried by an officer while on duty. No personal equipment shall be substituted.

## **IX**

### **USE OF FIREARMS**

Officers are authorized to discharge their firearm in accordance with G.O. 1.5.1 (Use of Force); when disposing of a dangerous or severely injured animal; during authorized training; or pursuing recreational activity while off-duty.

It is expected officers will take precautionary steps to protect themselves and others, to include drawing their firearm to a position of readiness, when confronted by facts or circumstances which represent an unknown or known potential threat of deadly physical force. Officers are granted the utmost discretion in determining when such precautionary steps are necessary. However, officers shall not brandish their firearm in a manner that may result in an unlawful or unintentional discharge.

The firing of warning shots and shooting at or from a moving vehicle is strongly discouraged. It may be permitted by this policy, if such use is in accordance with ORS 161.239 (Use of Deadly Force).

## **X**

### **UNINTENTIONAL DISCHARGE**

Officers shall notify their supervisor immediately anytime an unintentional discharge of their primary, secondary or other firearm occurs while on duty. Officers shall notify their supervisor if the unintentional discharge occurs off duty and involves a Department owned firearm or a Department sanctioned firearm. If the unintentional discharge results in physical injury or death to any person, the investigation procedures described in G.O. 1.5.1, Sections VII through XI shall be followed.

If no injury or death, the supervisor shall investigate the circumstances surrounding the unintentional discharge and forward a report, via chain of command, to the Office of the Chief. The report shall include the supervisor's findings and recommendation for corrective action.

## **XI**

## **PATROL RIFLE**

The Department authorizes officers to carry and utilize the Department issued Colt M4 rifle (Patrol Rifle) in certain circumstances if they have completed the Department's patrol rifle training course. Prior to deploying the M4 rifle, officers and supervisors should consider the advantages and disadvantages of deploying the weapon. The disadvantages are weapon retention during handcuffing and searching, and the rifle's size limits an officer's mobility. Advantages are greater accuracy and distance. If the rifle-officer is forced into a situation where they become involved in handcuffing or searching of a suspect, the rifle should be placed on safe and slung, or handed to another officer prior to physically engaging the suspect.

Rifle trained officers may deploy the patrol M4 rifle in circumstances where the use of deadly force is authorized and there is reasonable cause to believe or prior knowledge that:

1. The suspect is armed with a firearm or deadly weapon and is committing or about to commit a crime; or
2. Any hostage situation or suicidal subject report where the suspect has access to a dangerous or deadly weapon; or
3. When Officers are responding to reports of persons armed with a firearm or deadly weapon under unusual or suspicious circumstances.

Unless circumstances dictate that immediate deployment is required, officers shall notify and receive authorization from the on duty supervisor prior to deploying the rifle.

Officers who are issued a patrol rifle for use must:

1. Maintain control of the rifle when in their possession.
2. Check its condition prior to the beginning of their shift.
3. Place the weapon in the armory and notify the Department Armorer if the weapon becomes wet due to weather or a malfunction is discovered.
4. Deploy the rifle in accordance with Department policy.
5. Return the rifle to its designated storage location at the end of their shift.
6. Meet the Department's annual qualification standards.
7. Use only Department approved ammunition.

## **NON-LETHAL WEAPONS**

The Department provides non-lethal weapons. Non-lethal weapons training shall be provided periodically, but at least annually. Refer to G.O. 1.5.1 for Use of Force Policy and Procedures.

Blackjacks, saps, and sap-gloves are prohibited.

## **POLICE BATON**

The approved Department baton is the standard police wooden baton or the ASP

collapsible baton. The baton shall be carried at all times by Police Officers and Reserve Officers either on the duty belt or in the police vehicle while on duty. Animal Control Officer shall carry the issued ASP baton while in uniform. It shall be the individual officer's discretion to deploy the baton. The following prescribed use shall be adhered to:

1. Members may carry only Department approved batons.
2. Members may use their baton:
  - a) To overcome resistance by a person being taken into custody.
  - b) As a defense when the member (or another person) is being assaulted; or
  - c) When controlling civil disorder.
3. Except when deadly force is justifiable, members shall not use their baton to strike the head of a person.

### **EXTENDED RANGE IMPACT WEAPONS**

Extended Range Impact Weapons are defined as:

Weapons designed to deliver less lethal ammunition at human targets without intentionally creating serious injury. These munitions can cause similar injuries to traditional police impact weapons, i.e. police batons.

Only personnel who have successfully completed a departmental approved training course in the proper use of and deployment of these munitions shall be authorized to deploy such weapons. Discharge of these weapons should be after notification of a supervisor, unless circumstances dictate otherwise. Trained personnel shall complete an annual refresher course.

Extended Range Impact Weapons may be considered for use whenever time is available to properly plan for and execute a tactical mission to reduce the risk of injury to officers, innocent citizens and/or suspects. These weapons should generally not be used by an individual officer without a cover officer present. A warning shall be given prior to discharge of the Extended Range Impact Weapon, unless circumstances dictate otherwise.

Factory loaded ammunition shall be used during deployment. Each round shall be inspected to ensure it is the proper type of ammunition before being loaded into the weapon. When not in use, these weapons are to be stored unloaded. Weapons are to be loaded at the time of deployment only, and by the officer designated to employ it.

These weapons shall not be used when the suspect is in danger of falling from a significant height unless the use of deadly force is justified..

Information known by the deploying officer at the time about a person's pre-existing medical or physical condition which might exacerbate the effects of these weapons should be considered when making the decision on use.

A medical examination shall be provided to any individual sustaining an impact from an

Extended Range Impact Weapon. The area of the suspect's body sustaining the impact should be photographed to document the existence or absence of visible injury.

Whenever (the use of) an Extended Range Impact Weapon is deployed, documentation shall be made in conformance to G.O. 1.5.1 (Use of Force).

### **FLASHLIGHTS**

Flashlights are not intended to be used as weapons. However, their use is allowable under exigent circumstances and in accordance with G.O. 1.5.1 Use of Force Policy.

### **CHEMICAL AGENTS**

The Department provides individual aerosol projectors of Oleoresin Capsicum (OC) for use by Department members. Only issued aerosol projectors may be carried on duty. Police officers are authorized to carry department issued OC spray while not in uniform and off duty. Only officers and authorized department members who have received department training in the use of OC spray shall be authorized to carry and use OC. Authorized department members are Police Officers, Police Reserves, uniformed Community Service Officers with field assignments, Animal Control Officers, Detention Officers while in uniform and other department members as authorized by a Division Commander.

OC spray may be used by police officers to subdue a person if the person is threatening an officer or another person with physical harm or has signaled an intention to resist the officer's efforts to make an arrest.

OC spray may be used by authorized on-duty non-sworn department members to defend themselves from actual assault or threat of physical harm.

Use of chemical agents other than OC requires the approval of a sworn supervisory or command officer. Only members trained in the application of chemical agents and associated equipment (gas guns, etc.) shall be assigned to employ such agents.

Supervisory and command officers shall consider such circumstances as the following prior to authorizing the deployment of chemical agents:

1. Does a serious danger to life and/or property exist?
2. Can chemical agents be deployed safely?
3. Would other methods of control or apprehension be ineffective or cause greater hazard than the use of chemical agents?

### **MEDICAL ASSISTANCE**

Immediately after spraying any person with OC or after application of other chemical agents, officers shall be alert to any indications that the person needs medical attention. This includes, but is not limited to, breathing difficulties, gagging, profuse sweating and loss of

consciousness. Upon observing these or other medical problems or if the person requests medical assistance, the officer shall immediately summon emergency medical aid.

Individuals who have been sprayed with OC or chemical agents are among those identified as a higher risk for a complication known as asphyxia. Positional asphyxia is a condition that results in respiratory difficulty and cessation of breathing that may result in death. If it is necessary to spray and secure an arrestee, steps shall be taken to ensure the arrestee is continually monitored and not left alone while in police custody.

Persons sprayed with OC shall have the contacted area flushed with water and exposed to fresh air as soon as possible. A container of water shall be carried in each patrol vehicle for this purpose. If the arrestee refuses this assistance, the time and circumstances of this refusal shall be documented in the police report of the incident.

### TASER CONDUCTED ELECTRICAL WEAPON (CEW)

Conducted Electrical Weapon (CEW) defined: For the purposes of this general order, CEW will be synonymous with Taser (for the X26 and X26P Taser utilized by our agency). Taser is a handheld weapon, considered less lethal, capable of delivering 50,000 volts (26 watts, 1.76 Joules) by touch or through projectiles.

The Springfield Police Department provides Taser weapons for use by authorized department personnel. Only personnel who have received department training in the use of the Taser shall be authorized to carry and deploy it. Annual refresher training will be provided regarding the use and deployment of Taser weapons. Authorized personnel assigned to Patrol and the Municipal Jail are expected to carry a Taser when one is available.

The Taser shall be worn in a department approved holster on the support side, or opposite side of the primary handgun.

Tasers, when deployed as a projectile weapon, shall be fired at the center of mass of the suspect's back, either side, or, if directed at the front plane of the body, the zone shall be below the nipple line and offline from center, if possible. Tasers, when deployed as a touch weapon, shall be directed towards muscle or nerve points (radial nerve, brachial plexus tie-in, etc.) in the front, back, side, legs, or arms. Unless life threatening circumstances exist, the Taser shall not be intentionally discharged, either by touch or projectile, towards the head, neck, or groin.



The Taser may be used by police officers to subdue a person if the person is threatening an officer or another person with physical harm or has signaled an intention to resist the officer's efforts to make an arrest. The Taser may be used by CSO's only for the purpose of self-defense. If possible, a warning of its use shall be given to the suspect.

Tasers should generally not be used by officers in situations where the suspect is armed with a dangerous or deadly weapon. However, if officers at the scene determine a Taser is capable of being safely deployed to rectify the problem, it shall be done in the presence of an armed cover officer.

Tasers shall not be used against females known to be pregnant, suspects near flammable liquids or gases, in conjunction with alcohol based OC spray, or in situations where the suspect may fall from a significant height. Additionally, the Taser shall not be used punitively against a restrained suspect or against an individual who is unconscious or non-combative.

Taser use in the Municipal Jail shall not be used as punishment and shall comply with all other constraints identified in this policy, the Use of Force policy and all other directives.

Upon deployment, probes not penetrating the skin of the suspect may be removed by police personnel. Probes penetrating the skin of the suspect shall be removed by medical personnel. When Taser probes penetrate the suspect's eyes, face, throat, or groin, fire personnel shall be summoned and the suspect transported to a medical facility for treatment. If possible, photographs should be taken of the wound area prior to probe removal. A supervisor should be notified as soon as possible.

The recovered probes shall be placed barb downwards into the expended cartridge and covered with a bio-hazard sticker. The spent Taser cartridge and several recovered anti-felon identification devise markers (AFIDS) shall be impounded as evidence. [Note: Each Taser cartridge is equipped with 20 – 40 AFIDS, which are dispersed when a cartridge is expended. Each AFID has the serial number of the cartridge written on it.]

Use of the Taser resulting in the electrical stun of a suspect, whether by touch or projectile, shall be documented in accordance with department policy. In addition to justification of use, the report shall also reflect the serial number of the Taser and cartridge used (serial numbers will be different), target and impact area, distance from suspect, and effectiveness of use. At the conclusion of the arrest, after the suspect is released or incarcerated, the Taser shall be given to the shift supervisor for data download. A copy of the data download shall be marked with the appropriate case number and attached to the police report.

Members shall avoid the use of more than three CEW applications against the same individual, unless exigent circumstances (immediate and serious bodily harm to a person or persons is about to occur) warrant use.

Only one member may intentionally deploy a CEW at any given time on a subject, except where lethal force would be permitted.

After one 5-second CEW cycle, the member shall re-evaluate the situation to determine if subsequent cycles are necessary; members shall issue a warning prior to each additional cycle and wait a reasonable amount of time to allow the subject to comply, unless doing so would present a danger to the member(s) or others. Members shall describe and explain the reasonableness of each CEW cycle in their use of force reports.

In the event of an incidence when a member's use of a firearm or any other weapon has caused death or serious physical injury and a Taser (CEW) was used as a part of the use of force, the responding supervisor shall obtain the Taser and, in addition to the aforementioned procedure, provide the information to the IDFIT supervisor to request a detailed analysis of the Taser use from the manufacturer, as part of Taser's contractual services.

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